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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|-----------------|-------------|----------------------|----------------------|------------------|
| 09/923,053      | 08/06/2001  | Daniel A. Crawford   | DP-304678 (DEP-0216) | 9864             |

7590 02/25/2004  
VINCENT A. CICHOSZ  
DELPHI TECHNOLOGIES, INC.  
Legal Staff, Mail Code: 480-414420  
P.O. Box 5052  
Troy, MI 48007-5052

*Mailed to  
w/m Applicant*

EXAMINER

HARTMAN JR, RONALD D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2121

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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DELPHI TECHNOLOGIES, INC.  
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# Office Action Summary

Application No.

09/923,053

Applicant(s)

CRAWFORD ET AL.

Examiner

Ronald D Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-17-19-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the Amendment filed on 12/11/2003.
2. Claims 1-9, 11-17 and 19-20 are represented for further examination.
3. Claims 10 and 18 were canceled.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-9, 11-17 and 19-20 have been considered but are moot in view of the new ground(s) of rejection set forth below in this office action.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 11-13 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey, U.S. Patent No. 6,654,351.
7. As per claims 1, 11-13 and 19-20, Casey teaches a communication circuit for a controller comprising:

- a processor for controlling an actuator associated with the actuator (Figure 1 element 10; C3 L15-18, "Therefore ... the microprocessor controls ...");
- a communication device in communication with the processor (Figure 1), the communication device receiving control commands from a master controller, the communication device capable of communicating in multiple languages (C7 L57-64; "... the circuit can be applied to a group or class of CAN and SCI protocols ..."); and
- wherein the processor determines a language of the control commands and retrieves a control program corresponding the language (C3 L37-38, "The microprocessor determines the communication mode based on the first voltage and the second voltage.").

8. As per claims 1, 12-13 and 20, although Casey does not specifically teach the use of a memory it would have been obvious since it would allow for a simple compact way of containing pertinent data, and would also allow for easy storage and retrieval of specific information for specific vehicles based on the identity of the vehicle. Therefore, it would have been obvious to modify Casey using a memory and this would have been obvious tone of ordinary skill in the art at the time the invention was made.

9. As per claim 2, an actuator identifier would be obvious since it would provide a means by which a particular vehicle could be quickly referenced and therefore its

inclusion would have been obvious to one of ordinary skill in the art at the time the invention was made.

10. As per claims 3-4 and 14, a part number stored in memory upon calibration is obvious since it would provide a simple means by which each vehicle could be distinguished from another and therefore its inclusion would have been obvious to one of ordinary skill in the art at the time the invention was made.

11. As per claims 5-6, 13 and 15, Casey teaches a determination of active calibration (C1 L60-65, "... is self-determined at start-up...).

12. As per claims 7 and 16, the determination of valid commands is obvious since it would provide a simple way of avoiding problems associated with the execution of non-valid commands and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made.

13. As per claim 8, Casey teaches voltage being the means by which determinations are made (C3 L37-38; "The microprocessor determines ... on the first voltage and the second voltage.")

14. As per claims 9 and 17, a predetermined schedule, or polling, is known in the art would have been obvious since it would provide a simple way of programming the

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system to repeatedly try communications, a feature obviously beneficial when the connection is first made, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made.

15. As per claim 12, a default command would have been obvious since if a determination is not made, to have the determination continue would be a waste of resources, and the most commonly used in the industry would obvious be a better approach than none at all, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (703) 308-7001. The examiner normally works Mon. – Fri., 10:30 am – 8:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri, can be reached at (703) 305-0282.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9618.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:** (703) 872 9306

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Ronald D. Hartman Jr.  
Patent Examiner  
Art Unit 2121  
February 23, 2004

*Ramesh Patel*  
RAMESH PATEL  
PRIMARY EXAMINER  
*For Anil Khatri* 2/23/04